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LETTER

FROM

JOHN A. DIX

TO THE

War Democracy of Wisconsin.

"Patriotism emanates from the heart, fills the soul, infuses itself into the whole man, and speaks and acts the same language. A friend of his country in war will feel, speak, and act for his country; revere his country's cause and hate his country's enemies. America wants no friend, acknowledges the fidelity of no citizen, who, after war is declared, condemns the justice of her cause and sympathizes with the enemy. All such are traitors in their hearts."

STEPHEN A. DOUGLAS, MAY 13, 1846.

NEW YORK, Sept. 10th, 1863.

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TO THE WAR DEMOCRACY OF WISCONSIN.

NEW YORK, *9th Sept.*, 1863.

GENTLEMEN :

I received, the day before yesterday, yours of the 31st August, inviting me to attend a Mass convention of the loyal democracy of Wisconsin, on the 17th inst., at the city of Janesville. I have not seen the platform, embracing the Ryan address, put forth by the democracy of Wisconsin at Madison, on the 5th of August; but it is enough for me to know that you are in favor of "the resolute prosecution of the war," and of "unconditionally supporting the government in its efforts and credit in upholding its laws and replenishing its armies until the supremacy of the constitution shall be established over every State and upon every spot of our domain." This is my own purpose; and I have seen, with the deepest regret, manifestations of a determination on the part of a portion of the democracy of the country to withhold its support from the government in carrying on the war, on account of certain errors of policy, thus giving aid to

the public enemies, who are in arms against the Union and the national life. This determination, if persevered in, will inevitably betray the democratic party into a course of action which will be fatal to it by leaving it, at the close of the war, now not far distant (if we are united), in the same relation to the country in which the federal party was left at the close of the war of 1812.

I cannot accept your invitation to address you. My public duties demand my constant presence here; and I believe I can be most serviceable to the country by confining myself strictly to the discharge of those which are devolved on me by my military command. But I take pleasure in responding to your request to write to you.

In a great national struggle for existence, what is the duty of all good citizens? Manifestly, to sustain the government with all their strength. If it is weak, we should rally around it and try to make it strong. If it is guilty of errors of conduct, we should not, for that reason, rush into an opposition which may disqualify it for the great end it is laboring to accomplish; but we should still sustain it, and trust for their correction to the recurrence of the popular ordeal, through which every administration is, after a brief period, to pass.

The measure which has produced, perhaps, more dissatisfaction than any other is the President's emancipation Proclamation. I certainly should not have advised it. I believed that it would prove practically inoperative:—that it would only reach negroes who came within our control, and they were, by the laws of war, if we chose so to regard them, free without it. It was purely a war measure; and if the war should cease to-morrow, it would cease to be practically operative, excepting so far as it has been executed. This is,

however, a question of interpretation for the courts, and it does not become me to anticipate their decision.

But putting another construction on it—that it was, as has been charged, the index of a radical change in the policy of the war—of the intention of the administration to make it a war for the abolition of slavery, and not for a reconstruction of the Union on the basis of the constitution, the only basis, as I think, on which reconstruction is possible ; —is it wise or patriotic to withdraw our support from the Government on account of it? In a war for the nationality of the country there can be but two sides. The neutral may, it is true, clog the movement of the government by his dead weight, as the *vis inertiae* of matter impedes its motion. But he, who by assuming an attitude of hostility to the government embarrasses it in the prosecution of the war, is an auxiliary of the public enemy. The question is, whether war with the emancipation Proclamation shall be maintained against the rebellion, or whether the rebellion shall be allowed to go on unresisted on account of the Proclamation? In other words, whether aid shall be given to the administration of Abraham Lincoln or the usurpation of Jefferson Davis.

Great dissatisfaction has also been created by permitting arbitrary arrests by military authority in States which are loyal, and in which the machinery of the Courts is in full operation. Condemnation of these in speech or through the press is one of the prerogatives of free discussion. But when opposition is carried to the extremity of withholding support from the government in carrying on the war, or rushing into open resistance to it, a crime is committed and the public enemy is aided and encouraged.

This is now the imminent danger which threatens the

democratic party. Opposition to the measures referred to has degenerated into opposition to the war. The law authorizing a draft of men to replenish the ranks of the army has been virulently condemned by leading members and leading presses of the democratic party, and every effort has been made to defeat its execution and to prevent the government from getting men under it. It has been denounced as unconstitutional, arbitrary, unprecedented, and a measure of tyranny to which the Anglo-Saxon race has never submitted. These misrepresentations, sustained in many instances by high authority, have done much to render the measure odious and to defeat its purpose.

Of the necessity of the act I have nothing to say, excepting what all know, that it was found impracticable to keep up the numerical force of the army to the proper standard by voluntary enlistment. It was passed by Congress under a sense of the responsibility which the members owe to the people, and in view of the exigencies of the military service. It is a law, and obedience is a public duty. Obedience to it is more than an ordinary duty under existing emergencies. It is the dictate of patriotism, of the sense of honor, and of the high instinct, which impels every man who is worthy of his country, to obey her call when the government is in peril.

In seasons of public danger compulsory military service, of which the draft is the mildest and the most equitable form, has been resorted to in England, for the army as well as the navy, in nearly every eventful reign from the time of William the Conqueror down to George the Fourth. It has been enforced by the King's prerogative, and by statute law: it was regulated by the Parliament under Charles the First and by the Parliament under Oliver Cromwell after Charles was beheaded. One of their acts elicited an encomium from

Hallam, in his constitutional History of England. It was adopted in Massachusetts, New York, and Virginia, under the colonial regime, and continued after they had thrown off their allegiance to the British crown. It had the leading features of the present draft—substitutes and pecuniary contribution as a commutation for personal service. It was continued by the United States, under the Articles of Confederation, till Congress, under the Constitution, was invested with the unlimited power to “raise and support armies.” It is peculiarly and preëminently an Anglo-Saxon method of providing for great public emergencies : but in the heat of party strife men become as untrue to history as they are to the duties of citizenship.

In this State the denunciations hurled against the present draft by the press, and by men high in position, led to the most disgraceful riot known to the history of the country, in which hundreds of lives were lost, and delayed the execution of the measure for a period, which will not fall short of two months. If the law had been cheerfully obeyed ; if those who have been busy in denouncing it had been as earnest in their appeals to the patriotism of the people to carry it out, a great public dishonor would probably have been averted, and Lee’s army, the last dependence of the insurgents, might ere this have been hopelessly crippled or dispersed.

From the period of the Confederation, this mode of replenishing the army has been called a draft, and the men enrolled for service drafted men. The federalists in 1814 gave it, in order to render it odious, the name of conscription. The same course is adopted by its enemies now. Some who are supporters of the law have, it is true, with a looseness of expression by no means creditable to them, applied to it the term by which it was stigmatized by the enemies of the

democracy, in the war of 1812: but it is unknown to the law and to the instructions of the government, and a persistence in the use of a term which suggests the severe French system of compulsion, and keeps out of view the comparatively mild Anglo-Saxon draft, cannot be dictated by a patriotic motive.

In 1814, after the desperate contests on the Niagara frontier, when it became necessary to fill up the ranks of the army, and when volunteering, as now, had become an uncertain reliance, Mr. Monroe, then acting Secretary of State and Secretary of War, and afterward President of the United States, proposed several plans, one of which, and the most prominent, was a draft. Mr. Madison, who was President, referred to it in terms of approval in his message to Congress.

Mr. Monroe, in his letter to the Committee of the House of Representatives, defended the measure in a clear and unanswerable argument, from which there is room only for the following extracts:

"In proposing a draft as one of the modes of raising men in case of actual necessity in the present great emergency of the country, I have thought it my duty to examine such objections to it as occurred, particularly those of a constitutional nature. It is from my sacred regard to the principles of our Constitution that I have ventured to trouble the Committee with any remarks on this part of the subject."

"Congress have a right by the Constitution to raise regular armies, and no restraint is imposed in the exercise of it, except in the provisions which are intended to guard generally against the abuse of power, with none of which does this plan interfere."

"An unqualified grant of power gives the means necessary to carry it into effect. This is a universal maxim, which admits of no exception."

"The commonwealth has a right to the service of all its citizens, or rather the citizens composing the commonwealth have a right collectively and individually to the service of each other to repel any danger which may be menaced."

' "The plan proposed is not more compulsive than the militia service."

These extracts indicate the tone of the argument in favor of the constitutionality of the measure, as well as its necessity, its propriety, and its justice.

The measure was immediately assailed as unconstitutional by the leading federalists in Congress. It was denounced as an odious conscription, and in much the same language as its opponents denounce it now. Jeremiah Mason, of New Hampshire, admitted to have been the ablest federal senator in Congress at that time, spoke against it.

Mr. Goldsborough, a federal senator from Maryland, said :

" A few years past, and the name of conscription was never uttered but it was coupled with execration. Last year it found its way into a letter from the Secretary at War to the Chairman of the Military Committee, and it was then so odious that it was but little exposed to view. This year we have conscription openly recommended to us by the Secretary at War [Mr. Monroe] in an official paper; and worst of all, it finds champions and advocates on this floor."

In the House of Representatives, Mr. Cyrus King, a federal member from Massachusetts, said :

" James Madison, President of the United States, is the father of this system of conscription for America, as his unfortunate friend Bonaparte was of that of France: this he announced in his message, before referred to, as follows: ' I earnestly renew, at the same time, a recommendation of such changes in the system of militia as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.'

" His plans, therefore, substantially embraced by these conscription bills, were afterward submitted to Congress by his Secretary of War, James Monroe, and by him attempted to be recommended to the American people by the plea of necessity :

' So spake the fiend, and with necessity,
The tyrant's plea, excused his devilish deeds.'

"Your President further says in the same message: 'We see the people rushing with enthusiasm to the scenes where danger and duty call. In offering their blood they give the surest pledge that no other tribute will be withheld.' If this be true, sir, where is the necessity of violating the Constitution to impose on the people a military despotism and French conscription!"

Mr. Morris S. Miller, a distinguished federal member from Utica, said:

"The plan which gentlemen wish adopted is conscription. They call it classification and penalty—classification and draft. Sir, there is poison in the dish: garnish it as you please, there is poison still. You call it classification The times demand that things should be called by their right names—this is conscription, and with features more hideous than are to be found in the exploded system of our unfortunate cousin of Elba."

"What are the plans by which you intend to fill your army? I object to them all as unconstitutional and inexpedient. They all look to force, and you have no right to raise an army except by voluntary enlistment."

"Mr. Chairman: This plan violates the Constitution of your country. It invades the rights of State Governments. It is a direct infringement of their sovereignty. It concentrates all power in the General Government, and deprives the States of their necessary security."

"Much less can I forget that the Governor of New York (Mr. Tompkins), who has lent himself to the Administration as the pioneer of conscription, did pardon a horse-thief on condition that he should enlist."

"I have followed four children to the tomb. Under present circumstances ought I repine their loss? When I see the attempt to fasten this conscription on us, ought I to regret that they have gone to heaven? My daughters, had they lived, might have been the mothers of conscripts: my sons might have been conscripts themselves."

"I have carefully examined this conscription question with all the seriousness and attention required by the solemnity of the occasion. I have exercised that small measure of talent which it has pleased the Almighty to bestow upon me, and I have arrived at this conclusion: the plan of conscription violates the Constitution: it trenches on the rights of the States, and takes from them their necessary security; it destroys all claim to personal freedom; it will poison all the comforts of this people. In this belief I have no hesitation to say that I think it will be resisted, and that it ought to be resisted."

Leading men of the democratic party have carried into this war the same hostility to the draft that Judge Miller and his federal associates in Congress carried into the war of 1812. There is this difference, however, and one by no means favorable to the opponents of the draft of the present day. Judge Miller's hostility to it was before it became a law; and his was a legitimate opposition, having for its purpose to prevent the adoption of the measure. On the other hand, those who follow in his footsteps resist the draft with all the moral power they can exert in order to defeat the execution of a law definitively passed by both houses of Congress. Judge Miller, as a member of Congress, and a part of the law-making power, had a perfect right to oppose the measure in debate and by his vote. But those who resist it when it has become a law, not only violate one of the first duties of citizenship, but array themselves against the war by attempting to defeat the execution of a measure so essential to success as the recruiting of our armies.

While it is the highest duty of the citizen in time of war to sustain the government against the public enemy, there has been no epoch in the history of the Republic, in which this obligation was more imperative than it is at the present moment. Not only is our national existence threatened by the Southern insurrection, but our enemies abroad have been busy, while domestic discord has bound our hands, in violating the time-honored policy of the country. Spain has appropriated to herself another of the fertile islands of the Gulf. France has overthrown the authority of a neighboring Republic, and is seeking to place an Austrian monarch on an American throne. Great Britain, forgetful of her history and her good faith, and reckless of international obligations, has become a secure base for naval enterprises by rebel-

lions citizens, to ravage our commerce and insult our flag. In view of these public wrongs, and of the day of reckoning which must come, it is no time for our citizens to relax their ties of allegiance, or to inculcate theories which strike at the foundation of the military power of the government. On the contrary, it is the duty of the statesman, who loves his country, and would resent her wrongs, to cherish and keep alive that spirit of devotion which will enable us to present against all foes, whether domestic or foreign, an unbroken front; to proclaim and to exemplify in his conduct the only doctrine worthy of a patriot, that in time of war the government is entitled to the hearty and zealous support of the whole people against the common enemy.

Let me return a moment to the year 1814. Previous to the debates in Congress referred to, important movements were in progress in the State of New York. At a special session of the Legislature, called in the month of September by Governor Tompkins, before Mr. Monroe presented his plan for a draft, Mr. Van Buren, then a young member of the Senate, brought forward several measures to infuse new vigor into the prosecution of the war. The most prominent was a bill to place at the disposal of the general government 12,000 men for two years, to be raised by a classification of the militia of the State.

This measure encountered the most violent opposition from the federal members of the Legislature; but it passed both houses, and became a law on the 24th of Oct. 1814, nine days after Mr. Monroe's plan was submitted to Congress. Of this bill Col. Benton, in a letter to the Mississippi Convention in 1840, said, that it was "the most energetic war measure ever adopted in this country."

Mr. Niles (see his "Register," Vol. 7, Nov. 26, 1814)

says: "The great State of New York has taken a stand that says [to the Hartford Convention] thus far shalt thou go and no farther;" and at page 123, same volume: "The Legislature adjourned on the 24th of Oct. after passing several acts of great importance. Among them is an "act to raise 12,000 men to be paid, fed, and subsisted by the United States. The men are to be raised by an equal classification, and are intended as a permanent force to relieve the militia," &c.

Thus it will be seen that the draft, which was proposed in Congress and adopted in New York, and which was denounced by the federalists as a conscription, as unconstitutional, arbitrary and tyrannical, had the support of Madison, Monroe, Tompkins, Van Buren, and other great men of the democratic party; and had not the treaty of peace, concluded at Ghent in Dec. 1814, put an end to the war, there is little doubt that this mode of replenishing the army would have been adopted in Congress as it was in New York.

The course of those who are denouncing and resisting the measure now, in nearly the same manner and the same language as that in which the federalists denounced it and its authors, Madison, Monroe, and Tompkins, is in great danger of placing the democracy of the country in a position of open hostility to the government and to one of its leading war measures. If this course is persisted in and sustained by the great body of the party, its downfall is certain. The danger can only be averted by an honest and unqualified support of the war. It is not enough to pass patriotic resolutions and declarations of principle. These are a mere deception unless they are followed up by consistent acts, and by putting forward as representative men those, who have given evidence in their conduct that their hearts are in the great

struggle, in which the country is engaged for the preservation of its life. If this be not done, the democracy will inevitably draw down upon itself the popular distrust, which fell upon the federal party at the close of the war of 1812, and rendered its resuscitation impossible. Into this abyss I will not consent to be dragged down. I have been all my life a member of the democratic party. Its principles as proclaimed by Jefferson, Madison, and Jackson, have always been, and ever will be my guides; and while I do not deem it compatible with my military duties to take an active part in political contests, I shall do all in my power, to rescue the party, from the destruction with which it is menaced by the impolicy, the partisan spirit, and the want of patriotism by which some of its leading men are actuated, and to rally it, so far as my humble efforts avail, to the support of the government and the preservation of the Union. If it cannot be saved, I will not be an agent in its downfall. But if it is doomed to succumb to the influence of unfaithful leaders and pernicious counsels, my hope still is, that the great body of its members will, before it is too late, re-assert its ancient principles, and combining with the conservative elements of the country, will resume its proper influence in the conduct of public affairs, and guide us, as in the better days of the Republic, under the sacred banner of constitutional liberty and law, in our majestic march to prosperity and power.

I am, very respectfully,

Your obedient servant,

JOHN A. DIX.

Messrs. MATT H. CARPENTER,
LEVI HUBBELL,
C. D. ROBINSON.

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